

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 5, 2000**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Dean Alexander, 13820 SW 16 Street, indicated that he was surprised by suggestions made by Councilmembers Clark and Paul to shorten the length of meetings. He pointed out that public comments ran longer than usual, but with Council and Town Administrator comments suspended this more than made up for this time, and the meeting still ran until 2:30 a.m. He felt it was important to let the public speak. Mr. Alexander enumerated the time taken by Councilmember Paul to discuss items which totaled 1 hour and 40 minutes, stating that he felt this was part of the problem. He also commented on Councilmember Paul's intention to work on the transit plan, which had already been completed and would be up and running soon.

Tom Truex, 4740 SW 72 Avenue, indicated that he was a candidate for Council. He spoke about the need for improvement in the area of ethics in government and referred to Councilmember Paul's suggestion to create an ethics code. Mr. Truex advised that he had written a code which he had made available to Council and challenged each candidate to pledge to be ethical and above board during the campaign and to adopt an ethics code.

Jason Curtis, 3801 Flamingo Road, commented on Mr. Alexander's comments stating that Mr. Alexander had often gone over the three-minute limit. He also stated that there were two things which were supposed to be on the agenda which were not and asked Council to address them: Mr. Willi's review and the Bar B Ranch issue.

Bruce Novak, 4662 SW 78 Drive, thanked Mr. Willi for his help in communicating with Broward County. He cautioned Council to be accountable for their actions and felt that Council's behavior was out of line and showed a lack of control, judgment and communication. Mr. Novak called for an improvement in the leadership of these positions.

Julie Aitken, 3801 Flamingo Road, fully supported the efforts of Councilmember Paul and felt that it was more important to make decisions correctly than quickly.

Mikey, a Davie swimmer, asked Council for warm water.

Karen Leonard, National Director for SwimAmerica and director of a swim lesson program in Davie, addressed Council on behalf of the children who were unable to use the Pine Island pool because it was so cold. She added that the kindergarten program had to be suspended for lack of heat and cleanliness. Ms. Leonard discussed the accomplishments of SwimAmerica and stated that they used the Pine Island program as a lab school. She listed the programs offered by Davie and the accomplishments of children in the Davie program. Ms. Leonard asked Council to make heating and management of the pool a priority.

Mr. Willi stated that the heating equipment had degenerated over the years and was now operating at approximately 50%. He stated that replacing the equipment was costly and

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was part of the capital projects budget. Mr. Willi asked Council for an emergency appropriation and added that he had a resolution prepared for this expenditure. He indicated that if a decision was made tonight, the installation could be accomplished in 45 days.

Mayor Venis asked how long the equipment had been out of service. Community Services Director Sharon Kent advised that there had been problems with the pool's heater for three years. Mayor Venis asked about the cleanliness of the pool. Mr. Willi indicated that the concerns were with the general maintenance of the pool grounds, deck area and rest rooms.

Susan Kasmer, 4921 SW 170 Avenue, advised Council that the pool was not maintained properly and the past summer conditions had deteriorated. She indicated that she had e-mailed Recreation Supervisor Bette Stark and Ms. Kent and both had responded that they would take care of the requests, but so far nothing had been done. Ms. Kasmer advised Council that practice had to be canceled several times for warmth and cleanliness reasons and felt that this was senior management's responsibility. She indicated that other municipalities provided warm pools for daily practice and she did not understand why this could not be fixed immediately.

Dan Pignato, 6920 SW 56 Court, advised that he was a candidate for Council and indicated that he was not a politician, just a concerned citizen. His concerns were public safety, children, safety in sports, and keeping the Town unique.

Dora Sharkey, 2201 North 50 Avenue, expressed concern with the pool conditions. She stated that one of her reasons for bringing her child to the Davie program was the promise of a lightning meter. Ms. Sharkey recommended that a pool blanket to retain the heat be purchased and called attention to the possible over-chlorinating of the pool, which could result in health hazards. She spoke about the lack of cleanliness of the locker rooms and asked Council to address these needs.

Linda Winston, 7050 SW 41 Court, felt the conditions of the pool had resulted in health problems for her children and the condition of the locker rooms were unclean. She spoke about the importance of the facility being presented as top notch to other municipalities and teams who use the facility.

Sara Nero advised Council that she had been swimming for three years for Davie but may not be able to continue with the current conditions.

Elisa Winston advised Council that the pool was cold and unclean and she felt it was not fair to be unable to swim as much as she should because of the conditions.

Sara Winston felt that the pool had gotten worse over the summer and pointed out that it was not fair for participants to not be able to train at the level of swimmers in other programs.

Lynn Dimero, 9110 South Orchard Road, agreed with all that had been said and emphasized that 45 days was too long to wait for a repair as swimmers normally practiced up to 18 hours each week.

Jackie Rodriguez indicated that she could not get into the water as it was too cold. She described the grime and rust in the pool and the mud and mold in the locker room.

Martina Sharkey described the cold and unclean conditions and the resulting health problems that the kids faced. She asked Council for its help.

Amanda Winston advised Council that the pool was dirty over the summer and the temperature of the pool was unbearable.

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Rick Ramirez compared the Pine Island pool to other pools in the area referring to the bugs and slime in the pool as well as the cold temperature and unclean conditions of the showers.

Kristen spoke about the mold on the bottom, frogs in the pool and the cold water.

Emily Kasmer advised Council that there was "dirty stuff" on the bottom of the pool.

Councilmember Paul asked if the filters in the pool had recently been replaced at a cost of \$14,000. Ms. Kent indicated that the filtration system was installed and some of the extra dirt this summer had to do with recent construction. She stated that the chemical mix was computerized and was evaluated. Ms. Kent indicated that the department was in the process of interviewing for a facility manager and there was a list of areas in which the applicant must be knowledgeable. She stated that she too had been concerned with the cleanliness and stated that she had never seen frogs in the pool but leaves should be removed. In regards to the lightning meter, she indicated that this purchase had not been funded. She stated that the cleanliness of the locker rooms should be the responsibility of the lifeguards. Ms. Kent indicated that \$16,000 was spent in 1998 for heater repairs and \$8,000 was spent in 1999. She added that she had not been satisfied with Gulf Association and their service. Ms. Kent advised that new heaters had been proposed and were in the budget and agreed that thermal blankets were needed which would cost \$25,000. She felt that someone would need to be assigned to maintain and clean the facility and a daily closing time may need to be established for cleaning.

Mayor Venis suggested that the contractor not be paid if the maintenance was not properly accomplished.

Councilmember Cox asked about the new filters with Ms. Kent advising that they were installed in October. Councilmember Cox indicated that the construction had contributed to the problems and thought the heater was the main concern.

Vice-Mayor Weiner mentioned that there had been no monitoring of vendors and it appeared that there was no management planner. He asked if other cities had been contacted to determine what their operational plan was. Ms. Kent stated that there was an operational manual but someone was needed to implement this plan and the pool was not the only concern for maintenance.

Vice-Mayor Weiner stated that parents had brought up complaints to him and he agreed with their concerns.

Councilmember Clark agreed that there should be someone on Town staff who should hold the contractors accountable. She felt there had been resistance to adding to the Parks and Recreation Department staff, which she hoped would be resolved.

Vice-Mayor Weiner asked about grant money to address these issues. Ms. Kent spoke about Swim Central grants and bond money and advised that she would be investigating the availability of these funds, but she recommended using this as a reimbursement only with the Town stepping forward to provide for the needs.

Councilmember Paul asked if the problems had come to a head during the three months without a facilities manager. Ms. Kent indicated that the heater, filtration and appearance had all been due to various reasons. Councilmember Paul felt that the heater was important.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to add a resolution as item 13.5. In a voice vote, all voted in favor. (Motion carried 5-0)

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13.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL
R-2000-291 BIDDING AND AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR,
AND APPROPRIATE STAFF TO PURCHASE AND HAVE INSTALLED SIX
(6) SYMBIONT GEO-THERMAL HEATERS, ONE STAINLESS STEEL
INTERMEDIATE PLATE HEAT EXCHANGER, AND ONE JANDY VALVE
SYSTEM FOR WATER LEAKS, IN THE AMOUNT OF \$75,889.50 FOR THE
PINE ISLAND COMMUNITY CENTER POOL

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Willi explained that permits would be required which would be expedited and lead time would be required for the contractor to be notified, but the time frame would be shortened as much as possible.

Ms. Stark indicated that the original request in the capital improvements budget was for \$64,000 to replace four of the six heating units. The request for proposal prepared by Coral Springs did not itemize the units to be repaired, but was for a replacement of the entire system for \$74,000 so this was what was being proposed along with a change to Simbiance from Gulf Associates. Ms. Stark indicated that approval tonight would result in an emergency purchase order to proceed.

Vice-Mayor Weiner asked if the money would be taken from the current year's contingency account with Mr. Willi responding in the affirmative. Vice-Mayor Weiner expressed concern that this money may be encumbered. Mr. Willi advised that money would be reappropriated to replenish the contingency.

4. PRESENTATIONS

4.1 Citrus Canker Eradication Program - Councilmember Paul

Councilmember Paul stated that a favorable ruling had been received and healthy trees would not be cut. The State had chosen not to cut diseased trees and would be waiting for the appeal to be heard. She stated that she held a meeting with Capital Projects/Programs Manager Bruce Bernard and a representative from the Department of Agriculture regarding a recanopy program and Commissioner Crawford had made other suggestions but did not agree with the proposal. Councilmember Paul advised that a seminar would be held in January to address this program. She appreciated the concerns and calls to replace the canopy.

4.2 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: Lighting of the Green (December 10th); Broward County Professional Firefighters Concert (December 9th); FOP Bryan White's Christmas Show (December 14th); Concert in the Park (December 17th); and a Dr. Martin Luther King Poster/Essay Contest and Event Day (January 14th).

Ms. Kent announced that upcoming events included: adults and seniors pot luck luncheon (December 15th); a special phone call from Santa (December 13th); and Orange Park and Eastside Community Hall daycares (December 26th-January 5th).

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Mayor Venis announced that item 8.6 was withdrawn by staff.

Mayor Venis announced that items 8.21, 8.22, 10.9 and 10.10 needed to be tabled to December 20, 2000.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 10.8 needed to be tabled to January 17, 2001.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 13.6 needed to be added.

Councilmember Paul made a motion, seconded by Councilmember Cox, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

Acting Town Clerk McDaniel read a proclamation regarding Rick Case Bikes for Kids Day scheduled for December 5th. Mayor Venis presented Mr. Case with the proclamation and a check for \$400,000 as the Town's contribution for the new unit in western Davie.

Vice-Mayor Weiner reported that Bill Gates would be donating \$100 million to the Boys and Girls Clubs throughout the country for computers and hoped that the Town could benefit from this.

Mr. Case stated that he was working with AOL and Gateway in an effort to provide fully equipped computer labs to each Boys and Girls Club in America.

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS

HOLIDAY WISHES. Mayor Venis wished everyone a happy holiday and extended an invitation to the Lighting of the Greens on December 10th. He thanked all who worked to put up all the decorations.

13TH ANNUAL TOY RUN. Mayor Venis stated that he and Councilmember Paul had participated in the Toy Run where 30,000-40,000 motorcyclists each provided a toy for a child.

GRANT. Mayor Venis advised that a \$26,000 grant was received for Buckle Up for Kids.

PENSION MATTERS. Mayor Venis advised that an ordinance to correct pension matters had brought correspondence from the pension attorneys.

UPDATES FOR NEXT MEETING. Mayor Venis asked for an update on how the safeguards at Tower Shoppes were working. He also asked for an update on the requests for these lights and traffic signals at various locations.

DAVIE ELEMENTARY SHELTER. Mayor Venis advised that he would be meeting with the Town's School Board member regarding the shelter and would report the results.

TURNPIKE NOISE. Mayor Venis indicated that he had met with the Turnpike Authority and community members regarding noise issues, which resulted in landscape plans. He asked for another meeting with the Department of Transportation and Mr. Willi regarding a wall.

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COUNCILMEMBER CLARK

TOY RUN. Councilmember Clark regretted missing this event.

HOLIDAY WISHES. Councilmember Clark wished everyone a wonderful holiday.

RECENT ILLNESS. Councilmember Clark indicated that she would return the telephone calls, as she was unable to do so last week when she was ill.

VOLUNTARY CODE OF ETHICS. Councilmember Clark recommended discussing this issue again if a code had not already been prepared. She spoke in favor of the importance of committing to a code such as this with the upcoming election.

Councilmember Paul stated that a document was proposed that included more than just election times, but it had not come forward again.

Mayor Venis asked Mr. Kiar to review the document proposed by Broward County. Vice-Mayor Weiner suggested that Council get copies to review.

COUNCILMEMBER COX

THANKSGIVING LUNCHEON. Councilmember Cox thanked the seniors for their luncheon and hospitality.

SILVER LAKES. Councilmember Cox advised that she and Ms. Kent had met with the residents who seemed to be getting the idea that the development of their lake, the park and the wetlands would result in a positive environmental situation. She stated that many varieties of birds were already visiting the site and there had been a positive response from neighbors.

SPEED HUMPS. Councilmember Cox reported that she had had a request from a resident for speed humps on 58th Avenue. She indicated that she had asked for support from the neighbors and she would like to incorporate speed humps in the whole area.

COMMUNITY TRUST MEETING. Councilmember Cox stated that she and Ms. Kent had attended a meeting at Tree Tops Park where the State was developing criteria for grant applications and disbursement of money.

SOUTH FLORIDA TRAIL RIDERS. Councilmember Cox advised of the Jingle Bell Parade on the same day as Lighting of the Green and invited everyone to come out to watch this unique event.

VICE-MAYOR WEINER

HAPPY BIRTHDAY. Vice-Mayor Weiner wished his wife a happy birthday.

LEAGUE OF CITIES CONFERENCE. Vice-Mayor Weiner wished Councilmember Cox the best on her upcoming trip to Boston.

CONGRATULATIONS. Vice-Mayor Weiner congratulated Debbie Buckner and the International Ballet Company for two sold-out performances of the Nutcracker. He named performers Lindsey Dreyer, Melissa Gross, his wife Wendy and daughter Bethany.

SCHOOLS. Vice-Mayor Weiner spoke about overcrowding and boundary issues and asked if the Council could again look at Charter Schools or other alternatives.

SUNRISE WATER. Vice-Mayor Weiner asked if negotiations had gone any further. Mr. Willi responded that they were waiting for an outside consultant to come back with numbers. Vice-Mayor Weiner stated that he would like to see numbers by the first meeting in January or move forward with eminent domain if Sunrise did not agree. He indicated that the quality was just as important as the rates.

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Mayor Venis referred to a Berry and Calvin comprehensive study done seven to eight years ago and suggested that the report be expanded on to provide updated numbers.

Mayor Venis wished his daughter, Kathleen, a happy birthday.

COUNCILMEMBER PAUL

MANATEE SEASON. Councilmember Paul cautioned boaters to be aware of more manatees in the area.

WATER LEVELS. Councilmember Paul indicated that water levels at Lake Okeechobee were low and strict water management issues would result. She asked for a report at the next meeting so the residents would know what to do to conserve water.

SPEEDHUMPS ON 31ST COURT. Councilmember Paul stated that the residents had been told that an engineer needed to look at this situation before anything could be done and she asked if this could be moved along.

BOUNDARY ISSUES. Councilmember Paul advised that she had sent a letter to the new School Board Chair to schedule a meeting to discuss boundary issues and the need for a new school, possibly at the Imagination Farms site.

DAVIE EXPLORERS. Councilmember Paul congratulated Explorer Post 564, which attended a countywide competition. She announced the places that were achieved in certain events.

CONDOLENCES. Councilmember Paul offered her condolences to the Stigler family, whose son had died.

6. TOWN ADMINISTRATOR'S COMMENTS

POSITIONS. Mr. Willi advised that the Town's new Engineer and the Human Resources Director would begin in January. He indicated that the Town Clerk's position would be offered this week and would be on the December 20th agenda for Council ratification.

FIRE CHIEF JOB DESCRIPTION. Mr. Willi indicated that a review panel had completed a job description which would be part of the next agenda. He advised that application reviews were in progress and eight candidates would be interviewed beginning next week. Mr. Willi stated that his recommendation for this position should be on the next agenda.

WILL ALLEN. Mr. Willi spoke of the loss of Mr. Allen to the Community Redevelopment Agency which had created an opening in Programs Administration. He introduced Chris Kovanis who had been promoted to this position.

CAPITAL IMPROVEMENTS BUDGET. Mr. Willi stated that the proposed 2001-2005 budget had been provided to Council in November and the first public hearing was set for the December 20th meeting. He asked Council to advise him of any concerns.

EMPLOYEE BANQUET. Mr. Willi reported that the Town held their annual banquet at Signature Grand on December 2nd. He recognized that many of the Town functions remained constant for police, fire and utilities during this event and all could not attend.

DAVIE UPDATE. Mr. Willi advised that the deadline for this edition was December 19th.

IMAGINATION FARMS/PASADENA SITE PLAN. Mr. Willi indicated that staff estimated that this site plan would occur between the January 17th and February 7th meetings.

HAPPY HOLIDAYS. Mr. Willi wished everyone happy holidays.

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7. TOWN ATTORNEY'S COMMENTS

CONDOLENCES. Mr. Kiar extended sympathies to Mr. Stigler on the loss of his son.

KUEGLER. Mr. Kiar said that witnesses were scheduled for December 13th and 19th and the trial was set for January 8th.

75 EAST INC./GRIFFIN ORANGE NORTH. Mr. Kiar indicated that these had been consolidated by the judges order and oral arguments would take place in the spring.

TOWN OF DAVIE, CITY OF POMPANO & FLORIDA DEPT OF AGRICULTURE. Regarding the Citrus Canker and damages sought, Mr. Kiar reported that the State felt that an exposed tree had no value so nothing was owed in damages for diseased trees. He indicated that cutting continued but not in Broward.

NEWLY ACQUIRED PROPERTY. Mr. Kiar advised that he had received a call from FDOT regarding this property and asked if the Town would be interested in obtaining Parcel A of the Turnpike Spur. He stated that FDOT had indicated that there were underground Davie facilities at this site and this property could be awarded to the Town at no charge.

Mayor Venis stated that a motion for summary judgment in the recent Ordonez matter would be filed by Mr. Burke. Mayor Venis asked if the judge would decide if he would be released even if the other attorney did not want to release him. Mr. Kiar indicated that the court had the ultimate discretion.

Vice-Mayor Weiner asked that the 75 East/Griffin Orange North matter be on the next agenda for discussion by Council concerning holding an executive session to discuss strategy.

8. CONSENT AGENDA

Minutes

8.1 October 4, 2000 - Regular Meeting

Home Occupational License

8.2 JS Interiors, 13185 SW 28 Court

Parade Permit

8.3 South Florida Trailriders of Broward (December 10, 2000)

Proclamations

8.4 Rick Case Bikes for Kids Day (December 5, 2000)

8.5 Bernie Friedman Day (December 9, 2000)

Resolutions

8.6 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE AND EXECUTE AN AGREEMENT WITH DINA AYERS FOR PRESCHOOL PROGRAMS AT IVANHOE COMMUNITY CENTER AND SHENANDOAH ACTIVITY ROOM. (instructor to be compensated 75% of class fee not to exceed \$75,000)**

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- 8.7
R-2000-277 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE AND EXECUTE AN AGREEMENT WITH JOSEPH KELLJCHIAN FOR MARTIAL ARTS PROGRAMS AT VARIOUS LOCATIONS THROUGHOUT THE TOWN. (instructor to be compensated 75% of class fee not to exceed \$30,000)**
- 8.8
R-2000-278 **DENTAL INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO RENEW THE AGREEMENT WITH THE PRUDENTIAL INSURANCE COMPANY AS PROVIDER FOR DENTAL INSURANCE.**
- 8.9
R-2000-279 **MEDICAL INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO RENEW THE AGREEMENT WITH CIGNA HEALTHCARE TO PROVIDE GROUP MEDICAL INSURANCE.**
- 8.10
R-2000-280 **PAY AND CLASSIFICATION PLAN ADJUSTMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADJUSTING THE PAY GRADE OF THE PUBLIC WORKS/CAPITAL PROJECTS MANAGER, HUMAN RESOURCES ASSISTANT, AND PAYROLL ASSISTANT, RETITLING THE CLASS SPECIFICATION OF RISK MANAGEMENT TECHNICIAN, AND ADOPTING THE CLASS SPECIFICATION OF FIXED ASSET SPECIALIST IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**
- 8.11
R-2000-281 **SECURITY FOR PUBLIC DEPOSITS ACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PERTAINING TO THE FILING OF DOCUMENTS WITH THE STATE DEPARTMENT OF INSURANCE AND TREASURER RELATING TO THE FLORIDA SECURITY FOR PUBLIC DEPOSITS ACT; AUTHORIZING CERTAIN TOWN OFFICIALS TO EXECUTE SAID DOCUMENTS; PROVIDING FOR AN EFFECTIVE DATE.**
- 8.12
R-2000-282 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES, INC. FOR GARAGE MAINTENANCE OPERATIONS, PROVIDING FOR A TARGET BUDGET AND MODIFYING LANGUAGE RELATING TO THE LABOR PORTION OF THE CONTRACT AND AUTHORIZES THE MAYOR TO EXECUTE THE CONTRACT AMENDMENT. (\$708,031)**
- 8.13
R-2000-283 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A WATER STAIN REMOVAL SYSTEM. (Rust Removal Systems, Inc. - \$42,053.80/24 months)**

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- 8.14
R-2000-284 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF "THE CLUB" UNDER THE FLORIDA MOTOR VEHICLE THEFT PREVENTION AUTHORITY GRANT. (Winner International - \$19,950)**
- 8.15
R-2000-285 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING FLORIDA STATE CONTRACT #600-380-001 AND AUTHORIZING THE PURCHASE OF THREE COPY MACHINES FOR THE POLICE DEPARTMENT. (Minolta in the amount of \$14,487)**
- 8.16
R-2000-286 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING BROWARD COUNTY CONTRACT #D03961134 AND AUTHORIZING THE PURCHASE OF COMMUNICATIONS EQUIPMENT FROM MOTOROLA. (\$110,636)**
- 8.17
R-2000-287 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF WEAPONS AND MAGAZINES FROM LAWMEN'S AND SHOOTERS. (\$11,905.60)**
- 8.18
R-2000-288 **FRANCHISE AGREEMENT ASSIGNMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ASSIGNMENT OF THE FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE, FLORIDA AND COMCAST CABLEVISION OF BROWARD COUNTY, INC. TO DISTRICT CABLEVISION LIMITED PARTNERSHIP DOING BUSINESS AS AT&T BROADBAND; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 8.19
R-2000-289 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO EXECUTE AMENDMENTS TO THE LEASE AGREEMENT CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER AT THE SITE LOCATED AT 3600 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE. (payment to Town based on 50% of rent received by Omnipoint)**
- 8.20
R-2000-290 **TRANSFER AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A ROAD TRANSFER AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR THAT PORTION OF ORANGE DRIVE BETWEEN STATE ROAD 7 AND DAVIE ROAD, AND PROVIDING FOR AN EFFECTIVE DATE.**

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- 8.21 **LOAN NEGOTIATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE NEGOTIATION OF LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$12,000,000 FROM THE CAPITAL TRUST AGENCY (CAPITAL PROJECTS AND EQUIPMENT ACQUISITION PROGRAM); APPROVING THE ACQUISITION, CONSTRUCTION AND ERECTION OF CERTAIN CAPITAL PROJECTS; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE CAPITAL TRUST AGENCY; AUTHORIZING THE EXECUTION AND DELIVERY OF A NOTE; APPROVING THE EXECUTION AND DELIVERY OF A DISCLOSURE AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION WITH THE MAKING OF SUCH LOAN; AND PROVIDING AN EFFECTIVE DATE.**

Site Plan

- 8.22 **SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from November 1, 2000) Planning and Zoning Division recommended denial; Site Plan Committee recommended denial**

Master Site Plan

- 8.23 **MSP 11-2-00, Pointe West Center, 4300 Weston Road and MSP 11-3-00, Davie Center, 4400 Weston Road (BP) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report**

Vice-Mayor Weiner asked that items 8.12 and 8.18 be removed from the Consent Agenda.

Mayor Venis passed the gavel and made a motion, seconded by Councilmember Clark to approve the Consent Agenda without items 8.12 and 8.18. In a voice vote, all voted in favor. (Motion carried 5-0)

8.12 Vice-Mayor Weiner expressed concern on extending the contract when there had been serious concerns about the size of the garage being too small to properly service vehicles. Mr. Willi indicated that the facility was undersized for working on larger vehicles and this work was done in the open, which affected efficiency. He stated that expansion was needed.

Mr. Bernard stated that the capital program contained two phases for expanding the garage, during the first and last years. He indicated that the whole facility was being looked at to determine if a new compound needed to be built which would include a vehicle maintenance area.

Vice-Mayor Weiner asked about the pay scale for personnel and how it compared to the Broward Sheriff's Office pay scale, as he did not want to lose people to them. Budget and Finance Director Christopher Wallace stated that there had been a major concern about being understaffed and also not being able to retain or attract the best personnel as the Sheriff's Office paid more. He stated that the proposed contract contained money to encourage mechanics to get an ASE certification, as they would be compensated for each one they had. Mr. Wallace said staff had let the contractor know that they wanted to retain employees and would not pay for bonuses if the bid was brought under cost, as this may

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compromise staff. He added that the building had been renovated two or three times and shift operations needed to be expanded as more staff was being added. He felt this was a good contract that met the Town's needs.

Vice-Mayor Weiner asked if this contract was through November 30, 2001. Mr. Wallace was not sure when this would be rebid.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis indicated that item 8.23 needed to be reconsidered.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0) (This item was discussed later in the meeting.)

8.18 Cindy Stoddard, representing Comcast Cable, and Susan Bisnaugh, representing AT&T Broadband, were present.

Vice-Mayor Weiner wanted to let the residents and the representatives know that the Town was looking for better quality and better service as well as help with Boys & Girls Clubs in establishing their computer services. Ms. Bisnaugh explained that Comcast and AT&T were doing an asset exchange with long term goals to upgrade the cable systems they were acquiring in Broward. She advised that more advanced services, video services and local telephone services would be provided.

Vice-Mayor Weiner asked about a channel dedicated to the community events, information and meetings, and requested closed captioning. Ms. Stoddard pointed out that Comcast had completed the multi-million dollar upgrade for the Town which would make the Town ready for all it was requesting. She indicated that the dedicated channel would be possible.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held December 20, 2000)

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 26, BY ADDING ARTICLE I, ENTITLED "CLEARING OF POTENTIAL WILDLIFE HABITAT", AND SECTION 26-1, ENTITLED "REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING", CONCERNING ENDANGERED SPECIES, RARE SPECIES, SPECIES OF SPECIAL CONCERN, AND THREATENED SPECIES, AND REQUIRING COMPLIANCE BEFORE PERMIT BEING ISSUED BY THE BUILDING DEPARTMENT; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that a public hearing would be held on December 20, 2000. Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

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Vice-Mayor Weiner reported that the Florida Bar was conducting a seminar regarding wildlife law and habitat law.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 9.2 **PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN TO CONFORM WITH CHAPTER 185, FLORIDA STATUTES; AMENDING THE DEFINITION OF FINAL AVERAGE EARNINGS IN ARTICLE ONE OF THE PENSION PLAN; AMENDING ARTICLE THREE OF THE PENSION PLAN TO REMOVE THE EIGHTY PERCENT CAP AFTER FORTY YEARS OF SERVICE, PROVIDING FOR EARLY RETIREMENT AT AGE FIFTY WITH TEN YEARS OF SERVICE, PROVIDING FOR PAYMENT OF OPTIONAL FORMS OF PAYMENT TO DISABLED RETIREES, AND PROVIDING FOR MINIMUM SERVICE CONNECTED DISABILITY BENEFITS OF FORTY-TWO PERCENT OF AVERAGE FINAL COMPENSATION; AMENDING ARTICLE FOUR OF THE PENSION PLAN TO PROVIDE FOR THE TEN YEAR CERTAIN AND LIFE ANNUITY AS THE NORMAL FORM OF RETIREMENT, PROVIDING FOR AN OPTIONAL SEVENTY-FIVE PERCENT JOINT AND SURVIVOR ANNUITY, AND REVISING THE METHOD OF DESIGNATING BENEFICIARIES; AMENDING ARTICLE SEVEN OF THE PENSION PLAN TO REQUIRE TOWN CONTRIBUTIONS AT LEAST QUARTERLY, PROVIDING THAT STATE CONTRIBUTIONS SHALL BE DEPOSITED INTO THE FUND IMMEDIATELY UPON RECEIPT, AND PROVIDING THAT MEMBER CONTRIBUTIONS SHALL BE DEPOSITED INTO THE FUND IMMEDIATELY AFTER EACH PAY PERIOD; PROVIDING FOR PROSPECTIVE ADJUSTMENT OF BENEFITS BASED ON THE RECEIPT OF CHAPTER MONIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Weiner stated that he had been asking for this ordinance for four to five months and did not object to an outside individual looking at this, but the process should take only two weeks. The length of time it had taken was unacceptable and now the notification stated that the money was being withheld and the Town would need to petition for an administrative hearing. Vice-Mayor Weiner wanted to review this process and respectfully disagreed with Mr. Wallace's position on how this should be done. He stated that he was in favor of approving the ordinance.

Mr. Wallace referred to the Division of Retirement's latest correspondence which surprised him. He stated that a fax had been received from Mr. Klausner and no problems were anticipated with receiving the chapter money as long as the ordinance was adopted on December 20th. Mr. Wallace felt that Mr. Klausner had waited until the Town's

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involvement with litigation was completed to submit the change. He added that the actuary who was working on it died during his review and it had to be reassigned. Mr. Wallace advised that the Town should not move forward until it had the facts and independent reviews were important and added it did not always take this long.

Vice-Mayor Weiner indicated that the first draft was back in June. Mr. Wallace advised that there were changes made by the Town and the actuaries had to recalculate the numbers several times, which was also more costly. He felt that a big financial misstep could be made without an independent review, indicating that a pension plan was the largest liability to the Town and the most expensive benefit. Mr. Wallace would prefer that the Town's actuary be the sole entity involved as the risk was entirely the Town's.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 9.3 **PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CONFORM WITH CHAPTER 175, FLORIDA STATUTES; AMENDING SECTION FOUR OF THE PLAN TO REQUIRE TOWN CONTRIBUTIONS AT LEAST QUARTERLY, PROVIDING THAT STATE CONTRIBUTIONS SHALL BE DEPOSITED INTO THE FUND IMMEDIATELY UPON RECEIPT, AND PROVIDING THAT MEMBER CONTRIBUTIONS SHALL BE DEPOSITED INTO THE FUND IMMEDIATELY AFTER EACH PAY PERIOD; AMENDING SECTION SIX OF THE PLAN TO PROVIDE FOR AN UNREDUCED TEN YEAR CERTAIN AND LIFE ANNUITY AS THE NORMAL FORM OF RETIREMENT; PROVIDING FOR OPTIONAL JOINT AND SURVIVOR ANNUITIES OF 50%, 66 2/3%, 75% AND 100%; PROVIDING FOR EARLY RETIREMENT WITH TEN YEARS OF SERVICE; AMENDING SECTION EIGHT OF THE PLAN TO PROVIDE FOR OPTIONAL FORMS OF PAYMENT TO DISABLED RETIREES; AMENDING SECTION TEN OF THE PLAN TO PROVIDE FOR A MINIMUM NON-SERVICE CONNECTED DEATH BENEFIT FOR VESTED MEMBERS EQUAL TO THE MEMBER'S ACCRUED BENEFIT PAYABLE AT NORMAL OR EARLY RETIREMENT AGE; PROVIDING FOR PROSPECTIVE ADJUSTMENT OF BENEFITS BASED ON THE RECEIPT OF CHAPTER MONIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

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10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

- 10.1 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2000-38 **VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 58 AVENUE**
 ADJACENT TO THE "LAKESIDE VILLAS APARTMENTS PLAT";
 PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE
 DATE. (VA 7-2-00, southwest corner of SW 58 Avenue and SW 42 Street)

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 10.2 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2000-39 **VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR OAKES ROAD**
 ADJACENT TO THE "Y.A.F. PLAT"; PROVIDING FOR SEVERABILITY;
 AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-2-00, portion of Oakes
 Road)

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 10.3 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2000-40 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE**
 TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3,
 PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN
 ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR
 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-99 -
 Imagination Farms Commercial, 12401 Orange Drive)

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - no. (Motion carried 4-1)

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10.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2000-41 **FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF**
 DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET
 PARKING," AND SECTION 12-210, ENTITLED "USE OF REQUIRED OFF-
 STREET PARKING BY ANOTHER BUILDING," TO REVISE THE PARKING
 RATIO REQUIREMENTS FOR SELECTED USES; PROVIDING FOR
 SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled
 from November 15, 2000)

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Bill Laystrom indicated that staff had recommended that the parking ratio for home improvement centers be 1:300 and the Planning and Zoning Board had recommended 1:200. He stated that different codes had been researched and 1:200 would provide too much parking area.

Tom Truex, 4740 SW 72 Avenue, pointed out that the effect would be less parking but would also increase commercial building. He felt that the changes were drastic referring to game room, hotels, restaurants and business changes each providing less than what was required now. Mr. Truex indicated that increasing the intensity of a commercial building would increase the taxable value of the property, although residents may disagree with this goal. He agreed with the Planning and Zoning suggestion that the requests be addressed separately. If parking was decreased, green space could be increased instead of building space. Mr. Truex recommended that when other cities were looked at, their situation might not apply in Davie. He requested that this ordinance not be approved tonight.

Stephanie Toothacher-Walker concurred with Mr. Laystrom's comments that the 1:200 ratio for home improvements created far too much parking for the type of use. She added that she concurred with staff's original recommendation of 300.

Mayor Venis closed public hearing.

Vice-Mayor Weiner asked what sort of home improvement was being discussed by the previous speakers. Development Services Director Mark Kutney stated that this designation represented discount clubs such as Home Depot.

Vice-Mayor Weiner questioned why this amendment was being done and added that if the Code was changed, regulations become weaker. Vice-Mayor Weiner recommended this item be tabled to wait for hard data from staff on what parcels were left and what uses were proposed.

Councilmember Paul agreed and stated that this matter had come up before. She would prefer to have additional green space in the parking area and added that parking sometimes was not sufficient. Councilmember Paul recommended tabling the item or readdress some of the issues.

Town counsel Tom Connick advised that parking for home improvement centers was now 1:200 and those in Davie would have been under that standard. He cautioned that the Planning and Zoning Division received many vested rights requests, which often came up with developers once changes were made. Vice-Mayor Weiner stated that he did not see where the designation of 1:200 was in the Code. Mr. Kutney stated that this was a new use, which had evolved over time as these facilities had become more common and staff was trying to establish a designation.

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Mayor Venis asked about various ratios for several stores and Mr. Kutney did not know them all off hand, but felt it depended on the use and the square footage.

Vice-Mayor Weiner felt that if the number of spots were reduced, it would become more difficult to find parking, especially for access to small shops and salons.

Councilmember Clark felt that Council gave staff direction to address this as it was something that continued to be an issue. She said that now it seemed that staff was being evaluated as having done this specifically for one developer which she did not feel was the case.

Mr. Kutney indicated that the reason for pursuing this issue was because staff needed to continually come before Council for variances and the result was to aim toward revisiting the entire article. Councilmember Paul recommended conducting a survey, which would bring out the needs and show Davie's parking situation, rather than looking at surrounding communities. Mr. Kutney stated that an emphasis had not been placed on sister cities and a number of sources were consulted to help establish a standard.

Vice-Mayor Weiner asked about the specific needs of a child care center and whether three-stacking was enough for a drop off zone. Mr. Kutney responded that in some cases, it may not be enough but it was a minimum requirement.

Vice-Mayor Weiner asked about home improvement facilities and why 1:200 was indicated. Mr. Laystrom stated that the problem with the variance process was that the procedure took a total of seven months and there may be problems with a site plan that were different than just the parking requirements. The parking ratio drove the cost of a hotel project way up and owners just go elsewhere, as the Town's Code was very aggressive. Vice-Mayor Weiner did not disagree with the need for some revisions but felt that the result of a decision stood forever.

Councilmember Paul asked about the new Comfort Inn and where the parking would be. She also asked if the Home Depot project was short 130 spaces with the current Code. Mr. Laystrom indicated that this was true and added that the building would expand to 120,000 square feet. He recommended that a 1:250 ratio would be an appropriate compromise.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve on second reading with no change to child care center, day nursery, kindergarten, but including pre-school (3), no change to game room, amusement arcade, pool hall (9), no change to medical, dental, chiropractic, except for clinic (15), no change to restaurants (28), no change to beauty salons, day spas (41), and revising the 200 in reference to wholesale clubs, home improvement stores (38) to 250. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - no; (Motion carried 4-1)

Quasi Judicial Items

- 10.5 **REZONING** - ZB 10-2-00, Laystrom/Willow Acquisitions, L.L.C., northeast corner of Griffin Road and Dykes Road, west of I-75 (BP) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Planning and Zoning Manager Jeff Katims summarized the planning report.

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Mr. Laystrom, representing the petitioner, explained the original plan that was submitted to staff. Staff had now asked for an as-built master plan which he explained was a request for approval of a reduction in the intensity of building coverage and increase of open space in both applications. Staff requested that part of the master plan be a buffer area, and plans were to landscape the buffer area, but this was not shown on the master plan as this was actually FDOT and SFWM land. Mr. Laystrom recommended this be made a condition of Rick Case's site plan but not a condition of the master plan.

Mayor Venis asked if anyone wished to speak for or against the item. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

8.23 Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve including recommendation #2 from staff. In a voice vote, all voted in favor. (Motion carried 5-0)

10.6 VARIANCE - V 10-1-00, Stirling Place, Inc., 6851 Stirling Road (B-1 and B-2) (tabled from November 15, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to affirmative covenant running with the land for the flag to always be in pristine condition and that the flag will be an American flag*

Mayor Venis swore in the witnesses. Mr. Kutney advised that the variance was caused by a permit being issued in error as it included an 80 foot flagpole, however, the Code allowed approximately 44 foot. He reviewed staff's findings and recommendations, which included a condition limiting the flagpole to 60 foot. Mr. Kutney added that staff's concern was that an 80 foot flagpole could set a precedent.

Councilmember Cox asked about the time frame of when this discovery was made. Mr. Kutney indicated that plans had been approved at site plan and a building level permit was issued, but construction had not begun. Councilmember Cox recalled an earlier discussion where the applicant knew they were going to need a variance, although it was not a condition of the site plan. She felt that this was approved knowing Council would look at it again.

Vice-Mayor Weiner recommended that staff listen to the tape to clarify.

Mayor Venis asked if this was a condition of the application. Mr. Kutney agreed that it was not.

Councilmember Clark thought that if Councilmember Cox remembered this being discussed, it was a valid point and the tape should be listened to.

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Councilmember Clark asked if there was public input and it was determined there was not.

Dan Ducham, representing the petitioner, stated that the building was 21 foot tall and 950 foot long. A design condition was that the building needed a central focal point and the flag became part of this focal point. He indicated that the flag was not free standing and the flag was a trade mark of the Janoura centers.

Councilmember Cox felt that the Town had worked hard on that center and that the flag was excessive for that site.

An unidentified man explained the time frame of the applications, approvals and the discussion of a variance. He added that this would be a concrete poured flagpole and indicated that there were two other flags within a one-mile radius that exceeded the Code. The man added that the flag would be visible initially from the surrounding homes but in three to five years, the planting and growth would block the angle of the flag.

Councilmember Cox asked about the size of the flag. Mr. Ducham responded that it was 20 foot x 38 foot.

Mayor Venis asked if anyone wished to speak for or against the item.

Dean Alexander, 13820 SW 16 Street, felt that staff's condition that this be an American flag could limit political expression of the next owners. Mr. Kiar advised that the petitioner could stipulate this be an American flag. Mr. Connick stated that the petitioner had volunteered this and that it be in good condition.

Mayor Venis closed the public hearing.

Vice-Mayor Weiner had a problem with the flag being displayed so high and he could not support this request since the petitioner had agreed that a variance would be needed. He indicated that there were other alternatives.

Councilmember Paul advised that she had spoken with Mr. Goode some weeks ago about this issue. Councilmember Cox indicated that she had also spoken with Mr. Goode, and agreed that the request was excessive.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to deny.

Mayor Venis questioned another pole that was 100 foot pole and if it was approved by variance. Mr. Kutney stated that 100 foot flag pole was approved in 1990 by a variance.

Councilmember Clark asked Mr. Kiar how the site plan approval affected the rights of the petitioner. Mr. Kiar was reluctant to discuss the vested rights of the petitioner and indicated that the Town had the discretion to grant or deny the variance.

Vice-Mayor Weiner withdrew his second of the motion. The motion died for lack of a second.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to table to December 20th subject to review by the Town Attorney as to the vested rights the petitioner had for the variance and keeping in mind that the petitioner acknowledged that a variance would be required. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

Reconsideration of Council Motion

10.7 V 3-2-00, A-1 Pride, Inc./Roero, 6331 SW 41 Court (B-2)

Mr. Kutney provided a staff report. Acting Town Clerk McDaniel swore in the witnesses.

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An unidentified man representing the petitioner explained the request for relief and indicated that staff had supported the application for a variance. He recommended that the request be approved.

Vice-Mayor Weiner asked what changes were planned to conform to the Western Theme. The man explained that the only requirements planned dealt with the driveway and the parking. He indicated that staff had stated that what was proposed would not trigger a Western Theme upgrade. Mr. Kutney read the language of the Code and stated that in the past, a determination was made on a case by case basis. Vice-Mayor Weiner remembered that the applicant had voluntarily agreed to make the upgrades to comply with the Western Theme.

Councilmember Clark advised that she had met with Mr. Roero and staff. She indicated that Mr. Roero agreed that he had volunteered and considering that he misunderstood, she would not ask him to do something that was not necessary.

Vice-Mayor Weiner asked if exterior improvements would trigger a need to comply with the Western Theme. Mr. Kutney stated that staff and the Community Redevelopment Agency would need to look at this specific case and felt that the applicant had indicated that he would make some facade-type improvements.

The unidentified man stated that if Council would accept some attribute changes, this would not trigger having to totally comply and a voluntary upgrade to this area would be discouraged as a result.

Mr. Kutney advised that he had spoken to Mr. Goode as had Councilmember Clark. The man felt there may be a personal issue between Mr. Roero and Mr. Goode and asked that Council consider this application on its merits only.

Councilmember Paul did not remember the intent of the applicant, although she did remember the conversation.

Mr. Roero explained what he understood what was being asked of him which was a plan to change the front facade.

Mayor Venis asked if anyone wished to speak for or against the item. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner asked for clarification on what the applicant needed Council to approve.

The man explained that Council was asked to grant a variance to the side bufferyard requirement to reduce the bufferyard from its 10 foot width to what was needed for the driveway to the rear. He indicated that the siding, two hitching posts and landscaping would be accomplished on the front. It was possible that the siding could be applied to the west and east sides but not to the back.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to reconsider and grant the variance as stated tonight by reducing the side buffer or setback as much as was necessary to install the driveway so you can get to the back and to require the western facade or the wood on the front of the building and east and west sides of the building, to require the hitching posts and the landscaping and to maintain all of the foregoing. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

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Items to be tabled

**10.8 PLANNING AND ZONING TABLED TO JANUARY 10, 2001;
COUNCIL CAN TABLE TO JANUARY 17, 2001**

REZONING - ZB 10-1-00, Home Depot USA/Geiserman, Trustee and Farias,
west side of University Drive, north of Stirling Road (A-1)

This item was tabled earlier in the meeting.

**10.9 PLANNING AND ZONING TABLED TO DECEMBER 13, 2000;
COUNCIL CAN TABLE TO DECEMBER 20, 2000**

VARIANCE - V 10-3-00, Kalis and Kleiman, P.A./Ireland Davie Ltd., 1801
South University Drive (B-2, Old Code)

This item was tabled earlier in the meeting.

**10.10 PLANNING AND ZONING TABLED TO DECEMBER 13, 2000;
COUNCIL CAN TABLE TO DECEMBER 20, 2000**

SPECIAL PERMIT - SE 9-2-00, Nextel Communications/Palm Peterbuilt-GMC
Trucks, Inc., 2441 South State Road 7 (B-3)

This item was tabled earlier in the meeting.

11. APPOINTMENTS

11.1 Youth Advisory Committee (exclusive appointment: Councilmember Paul;
term expires March 2001)

Councilmember Paul appointed Brett Elgersma.

11.2 Davie Water Advisory Board (one exclusive appointment per
Councilmember; term of January 2001 to December 2001)

Councilmember Cox appointed Dan Lavrich. Vice-Mayor Weiner appointed Robert
Hoth. Mayor Venis deferred his appointment. Councilmember Paul appointed Gail Ling.
Councilmember Clark appointed Dan Pignato.

11.3 Senior Citizen Advisory Committee (one exclusive appointment per
Councilmember; term of January 2001 to December 2001)

Councilmember Cox appointed Norma Welke. Vice-Mayor Weiner appointed Mr.
Simon. Mayor Venis appointed Lil Olfern. Councilmember Clark appointed Mr. DiBello.
Councilmember Paul appointed Jeanette Davis.

11.4 Budget Advisory Committee (one exclusive appointment per
Councilmember; term of January 2001 to December 2001)

Councilmember Cox appointed Susan Pennetti. Vice-Mayor Weiner appointed Dan
Barr. Mayor Venis appointed Dave Brown. Councilmember Paul appointed Ellen
Christopher. Councilmember Clark deferred her appointment.

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11.5 Parks and Recreation Advisory Board (exclusive appointment: Councilmember Cox; term expires August 2001)
Councilmember Cox appointed Margarette Olson.

12. OLD BUSINESS

12.1 Agriculture Ordinance (Clarification)

Vice-Mayor Weiner stated that during the draft of this ordinance and discussion of reinserting the key, language was excluded that wound up in the final draft. He felt this was the scriveners error and asked if a resolution could correct this error or was an ordinance needed.

Mr. Kutney stated that he was asked if Section 12-34 was added or was part of the ordinance drafted in May. His review determined that the section was never a part of that and added that there was a note in the use tables which refers to an asterisk which equaled "conditionally permitted subject to the detailed use regulations of 12-34." This had been taken out in Vice-Mayor Weiner's first draft, which he indicated was a concern of staff.

Vice-Mayor Weiner felt that it was clear that for the ordinance being proposed, language should have whatever was in the key. He never had the intent to include the language that staff put back in the final version, just the table, the key and language that Councilmember Cox had asked be put back in.

Councilmember Cox asked what Section 12-34 would seek to restrict. Mr. Kutney stated that Section 12-34 was a summary of all detailed regulations as it related to all conditional uses. If this was eliminated, then many issues could become debatable. It clarifies the code to indicate what a "P" means or and "N".

Vice-Mayor Weiner stated that permitted uses was added back in. Mr. Kutney stated that the note "P, N and *" needed to stay. Vice-Mayor Weiner agreed, but he indicated that his motion did not reinsert the other language. Mr. Kutney indicated that the term in the language defined permitted uses as it related to agricultural.

Vice-Mayor Weiner offered to look at the whole ordinance and what Broward County's ordinance provided.

Councilmember Paul suggested that Section 12-34 could exclude agricultural and her concern was how this was used in the future. Mr. Kutney stated that Section 12-34B would still be there.

12.2 Resolution of Conflict of Interest Issue

Mr. Kiar stated that the issue of conflict was usually fact intensive and subjective in many situations and Council had the discretion to make different policy decisions. He felt that the Town had a strict policy concerning conflicts of interest and if Council desired a less strict policy, it was entitled to do so. Pillar Consultants had the potential of conflict and he felt that as long as there was disclosure, then Council could determine whether this was harmful or inappropriate. Pillar had indicated it would not approve anything it was working on.

Mayor Venis asked how this would be classified if Pillar represented private companies, but planned to not perform any review or inspection work for these companies. Mr. Kiar stated that there was potential for conflict or an appearance of conflict, but not a

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true conflict as long as there was disclosure. Vice-Mayor Weiner clarified that this was an indirect conflict and Pillar had indicated that he would not do the work for clients he were representing.

Councilmember Paul asked if they were talking about giving up a portion of clientele. Jay Evans responded that this was not the case but shaking his head.

Vice-Mayor Weiner pointed out that if Pillar entered into a direct conflict and did not disclose to Council, he would risk losing his engineering license.

Councilmember Paul stated that she would like a written statement on each case. Mr. Connick stated that the Council had a right to have its own requirements.

Councilmember Paul asked that a disclaimer be made by Pillar in relationship to potential conflicts.

Jay Evans, representing Pillar, asked if Pillar had a client doing work in the Town, did this mean they should send a letter prior to doing work on behalf of the Town. Vice-Mayor Weiner clarified that if an engineering review or inspection was accepted, a statement that there was no conflict needed to be filed. Mr. Evans asked why Pillar should be singled out. Mayor Venis stated that this should only be done when there was a conflict.

Councilmember Paul asked to whom the firm would be accountable; making sure there was no conflict. Mr. Kiar clarified that there would be a written form that there was no conflict when a client came in front of Council.

Mr. Willi stated that if there was conflict, it should be disclosed and he would like to see this implemented consistent with Florida Statute.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, for Pillar Consultants, Inc. to file a letter with every plan review or inspection performed for the Town identifying whether it had a conflict or did not. He amended his motion to read that Pillar should file a letter only if a conflict that existed. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis stated that work had been suspended until this issue was resolved. Mr. Willi indicated that there was a resulting backlog and felt that Pillar should be reinstated, as did Mayor Venis.

13. NEW BUSINESS

13.1 Attorney Bill for Previous Councilmember James Bush

Vice-Mayor Weiner asked to whom the check needed to be made payable. Mr. Kiar had not been able to reach Mr. Bush but recommended that a check be made payable to both the law firm and Mr. Bush. He added that it should also be marked payment in full.

Mayor Venis stated that a review of the bills showed nothing had been paid. Mr. Kiar indicated that his recommendation for making the check payable jointly was that once it was paid, neither Mr. Bush nor the firm would have a cause of action against the Town.

Vice-Mayor Weiner made a motion to make a check payable to Akerman Senterfitt to cover the cost of Mr. Bush in connection with litigation that was brought in connection with his services as a public official at the time, and give direction to that law firm that if they had already received payment from Mr. Bush for them to cut a check in like amount to Mr. Bush to reimburse him for such payment.

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Vice-Mayor Weiner amended his motion, seconded by Councilmember Paul, to table this action until the Town got clarification from either Akerman Senterfitt or Mr. Bush as to whether or not this invoice had been paid in full. In a voice vote, all voted in favor. (Motion carried 5-0)

13.2 Discussion on Provision of Planning and Zoning Board Minutes Relative to Quasi Judicial Matters

Councilmember Paul felt that not seeing the minutes would slow the process, however, minutes were important. Mr. Kutney stated that staff was in the process of reviewing procedures; a sample timeline was displayed showing a four week addition to the process to get back the approved minutes from a Planning and Zoning Board meeting.

Vice-Mayor Weiner asked if Council could listen to tapes instead of getting a copy of minutes, as long it was disclosed that they had listened to the tapes. Mr. Connick stated that Council might want to consider a resolution that if an applicant wanted to fast track, they could provide a court reporter. Vice-Mayor Weiner felt this would be at considerable expense to the applicant.

Councilmember Clark felt that Mr. Kutney should show the timeline to the Planning and Zoning Board.

Councilmember Paul indicated that she would like to listen to the tapes.

Mr. Katims stated that there were six weeks between merits, first reading and second reading. He indicated that time in the front end was crucial and it was important that advertisements not go out before the review was completed, which was why there were so many tablings.

Mr. Kutney asked if Council would like to decide when they want to listen to tapes or rely on Planning and Zoning Board to decide when they would like Council to listen to tapes. Councilmember Clark felt it should be at Council's discretion.

Mr. Kutney said he would take the recommendations to the Planning and Zoning Board and would return to Council.

13.3 Ivanhoe Land Parcel Purchase (Mayor Venis)

Mayor Venis asked if the rezoning on this property was scheduled for the December 20th meeting. Mr. Kutney responded in the affirmative.

Mayor Venis stated the Parks & Recreation Board had made a recommendation that this property would be ideal to expand the facilities and parking for the community center. Councilmember Paul asked if there was a willing seller. Mayor Venis asked Mr. Kiar to set up a meeting to discuss this further.

Vice-Mayor Weiner asked if Broward County could be looked at for help with the funding. Ms. Kent advised that Bob Harbin was willing to go into a joint partnership but the Town would manage the property.

13.4 Environmental Board (Mayor Venis)

This item was deferred.

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13.6 R-2000-292 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF A-PLUS TRANSPORTATION, INC. TO PROVIDE TRANSIT BUS SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

Mr. Allen stated that a selection committee had selected A-Plus Transportation, Inc. and would like to proceed in bringing a contract back to Council by the January 3rd meeting. He indicated that he hoped to start the service as early as January 16th.

Vice-Mayor Weiner was concerned that a private vendor would be operating without conditions or credentials that required drug testing. He felt the standard should be the same as for Town employees.

Mr. Allen stated that the County required a chauffeur's license and he felt that the vendors would agree to have drug testing as part of the contract. He recommended that he, Procurement Manager Hyman and Mr. Kiar negotiate to prepare a document.

Vice-Mayor Weiner felt that the Town could provide funds for a background check on all drivers.

Councilmember Cox made a motion, seconded by Councilmember Clark, to approve subject to Vice-Mayor Weiner's recommendations. In a voice vote, all voted in favor. (Motion carried 5-0)

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:55 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk